

#23

EXPRESS MAIL NO.: GB 624 977 518 US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Burrell et al.

Application No.: 08/284,199

Group Art Unit: 1803

Filed: August 2, 1994

Examiner: D. FOX

For: MODIFICATION OF PLANT  
METABOLISM

Attorney Docket No.: 9341-005

**PETITION UNDER 37 C.F.R. § 1.48(a)(1)  
TO NAME THE ACTUAL INVENTOR WITH FEE**

**FYI**

Assistant Commissioner for Patents  
Washington, D.C. 20231

OCT 06 1997

RECEIVED IN  
BOX INTERFERENCE

Sir:

Applicant, through its attorneys, submits this Petition to name the actual inventor, *i.e.*, Michael Meyrick Burrell, of the claimed subject matter of the above-identified application. Specifically, the following name should be deleted as a co-inventor: Keith Stuart Blundy.

The reasons for making this Petition are as follows:

The actual inventor of the presently claimed subject matter is Michael Meyrick Burrell (Burrell). The present application is a continuation of Application No. 07/991,451 filed on December 16, 1992 (the "'451 application"), now U.S. Patent No. 5,387,756, which is a continuation of Application No. 07/628,216 filed on December 17, 1990 (the "'216 application"). When the '216 application was being prepared for filing with the Patent and Trademark Office, through an inadvertent error, without deceptive intent, the name of a person who is not an inventor, Keith Stuart Blundy (Blundy), was mistakenly identified as a co-inventor with Burrell. This mistake was not discovered during prosecution of the '216 and '451 applications.

During a recent review of the inventorship of the present application in connection with the proceedings of Patent Interference No. 104,046, attorneys for

Applicant determined that Blundy made no inventive contributions to the claimed subject matter of the present application.

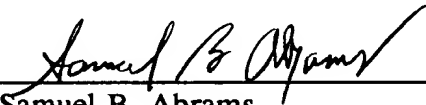
In accordance with 37 C.F.R. § 1.48(a), submitted concurrently herewith are: (a) an Amendment Under 37 C.F.R. § 1.48; (b) a Declaration Under 37 C.F.R. § 1.63 ("SUPPLEMENTAL DECLARATION AND POWER OF ATTORNEY") by the actual inventor of the above-identified application; (c) a Statement By The Person Being Deleted As An Inventor By The Petition Under 37 C.F.R. § 1.48(a)(1); and (d) a Consent By Assignee To Correction of The Inventive Entity Under 37 C.F.R. § 1.48(a)(4). In the accompanying Statement, Blundy states that the inadvertent error in the inventorship of this application was made without any deceptive intent on his part.

Based on the above, it is respectfully requested that this Petition be granted and that the application be amended to reflect the correct identity of the actual inventor.

The fee required for this Petition is believed to be \$130.00. Please charge the required fee to Pennie & Edmonds LLP deposit account no. 16-1150. A copy of this Petition is enclosed for accounting purposed.

Respectfully submitted,

Dated: October 5, 1998

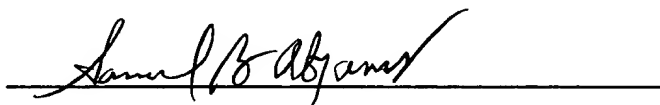
  
\_\_\_\_\_  
Samuel B. Abrams 30,605  
(Reg. No.)

PENNIE & EDMONDS LLP  
1155 Avenue of the Americas  
New York, New York 10036-2711  
(212) 790-9090

## CERTIFICATE OF SERVICE

I hereby certify that on this 5th date of October 1998, a true copy of the foregoing **PETITION UNDER 37 C.F.R. § 1.48(a)(1) TO NAME THE ACTUAL INVENTOR WITH FEE** was mailed by overnight mail, postage prepaid, to counsel for the party KISHORE.

Jeffrey S. Sharp  
Marshall, O'Toole, Gerstein,  
Murray & Borun  
6300 Sears Tower  
233 South Wacker Drive  
Chicago, Illinois 60606-6402

A handwritten signature in cursive script, appearing to read "Samuel B. Abgar", is written over a horizontal line.

**EXPRESS MAIL NO.: GB 624 977 518 US**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Application of: Burrell et al.

Application No.: 08/284,199

Group Art Unit: 1803

Filed: August 2, 1994

Examiner: D. FOX

For: MODIFICATION OF PLANT  
METABOLISM

Attorney Docket No.: 9341-005

**AMENDMENT UNDER 37 C.F.R. § 1.48(a)**

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

Applicant submits the following amendment to correct inventorship of the above-identified application. Submitted concurrently herewith is a Petition Under 37 C.F.R. § 1.48(a)(1) with fee, accompanied by supporting documents.

**Amendment of Inventorship**


Please amend the present application by deleting the following name as a co-inventor: Keith Stuart Blundy. The actual sole inventor of the claimed subject matter of the present application is Michael Meyrick Burrell (Burrell).

Applicant petitions concurrently herewith to correct the inventorship of the present application. Specifically, Applicant requests the deletion of Keith Stuart Blundy as a co-inventor. For details of this request, Applicant directs attention to the accompanying Petition Under 37 C.F.R. § 1.48(a)(1) To Name The Actual Inventor With Fee.

No fee is believed to be required for this Amendment. Should there be a required fee, please charge it to Pennie & Edmonds LLP deposit account no. 16-1150.

Respectfully submitted,

Dated: October 5, 1998

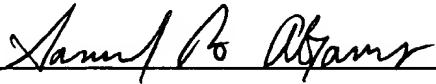
  
\_\_\_\_\_  
Samuel B. Abrams 30,605  
(Reg. No.)

PENNIE & EDMONDS LLP  
1155 Avenue of the Americas  
New York, New York 10036-2711  
(212) 790-9090

**CERTIFICATE OF SERVICE**

I hereby certify that on this 5th date of October 1998, a true copy of the foregoing **AMENDMENT UNDER 37 C.F.R. § 1.48(a)** was mailed by overnight mail, postage prepaid, to counsel for the party KISHORE.

Jeffrey S. Sharp  
Marshall, O'Toole, Gerstein,  
Murray & Borun  
6300 Sears Tower  
233 South Wacker Drive  
Chicago, Illinois 60606-6402

  
\_\_\_\_\_

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of:

Michael M. Burrell (as corrected)

Application No.: 08/284,199

Group Art Unit: 1803

Filed: August 2, 1994

Examiner: D. FOX

For: MODIFICATION OF PLANT  
METABOLISM

Attorney Docket No.: 9341-005

**CONSENT BY ASSIGNEE TO CORRECTION OF THE  
INVENTIVE ENTITY UNDER 37 C.F.R. § 1.48(a)(4)**

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

ADVANCED TECHNOLOGIES (CAMBRIDGE) LIMITED, a corporation of England & Wales, having a mailing address of Millbank, Knowle Green, Staines, Middlesex, England TW18 1DY, United Kingdom as assignee of the entire right, title and interest in, to and under the invention and patent application entitled MODIFICATION OF PLANT METABOLISM, hereby consents to amending the above-identified application to delete the following person as a co-inventor: Keith Stuart Blundy.

Michael M. Burrell, the sole inventor of the claimed subject matter of the above-identified application, has executed an assignment of his rights in the invention disclosed in the application to ADVANCED TECHNOLOGIES (CAMBRIDGE) LIMITED. The Assignment has been recorded at Reel 5602 Frame 448 in the Office of Public Records of the U.S. Patent and Trademark Office.

The undersigned has reviewed all the documents in the chain of title of the above-identified patent application. To the best knowledge and belief of the undersigned,

title to the application is solely in ADVANCED TECHNOLOGIES (CAMBRIDGE) LIMITED. The undersigned is a SECRETARY of ADVANCED TECHNOLOGIES (CAMBRIDGE) LIMITED, and is empowered to act on its behalf.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.


Signed this 30 day of September, 1998

**ADVANCED TECHNOLOGIES (CAMBRIDGE) LIMITED**

By: 

Kenneth J. H. MacLean

Secretary

 Assistant



A

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of:

Michael M. Burrell (as corrected)

Application No.: 08/284,199

Group Art Unit: 1803

Filed: August 2, 1994

Examiner: D. FOX

For: MODIFICATION OF PLANT  
METABOLISM

Attorney Docket No.: 9341-005

**STATEMENT BY THE PERSON BEING DELETED AS  
AN INVENTOR BY THE PETITION UNDER 37 C.F.R. §1.48(a)(1)**

Assistant Commissioner for Patents  
Washington, D.C. 20231

**FYI**

OCT 06 1997

RECEIVED IN  
BOX INTERFERENCE

Sir:

I, KEITH STUART BLUNDY, have reviewed and understand the content of the Petition Under 37 C.F.R. § 1.48(a)(1) To Name The Actual Inventor With Fee, submitted concurrently herewith to correct the inventorship of the above-identified application, and hereby state that I was mistakenly identified as a co-inventor of the above-identified patent application. This error in inventorship occurred without any deceptive intent on my part.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Dated: 27/9/98

  
\_\_\_\_\_  
KEITH STUART BLUNDY